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June 25, 2020

Honorable Justice Vincent L. Briccetti
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10691-4150

Re: Troy Grant v. Mayor Thomas, et al
18 CV 9601 (VB)

Honorable Justice Briccetti,

This letter shall serve to report on the status of efforts by the City of Mount Vernon (the "City") to retain counsel for defendants Richard Thomas and Daniel Jones and to request the Court's assistance to resolve continued difficulties with same.

As per the February 27, 2020 directive of this Court, Defendant Thomas provided this office with the name of a single attorney to represent him in this matter, Ira Wincott, Esq. The undersigned had several subsequent conversations with Mr. Wincott and the City with Mr. Wincott finally agreeing to provide the undersigned with a written engagement letter for approval by the City by May 21, 2020. To date, no engagement letter has been received and numerous follow up messages to Mr. Wincott have gone unreturned.

Based upon the foregoing, it is respectfully requested that this Court direct Defendant Thomas to provide this office with a written engagement agreement, consistent with the previous discussions with Mr. Wincott, by a date certain. In the alternative, it is requested that Defendant Thomas be directed to provide this office with the names of two additional prospective attorneys in accordance with the Court's February 27, 2020 Order.

With respect to Defendant Jones, he has yet to provide this office with the names of any attorneys for approval by the City. Although Mr. Wincott has expressed a willingness to consider the joint representation of Mr. Jones after he has been retained for Defendant Thomas, he has not committed to doing so. Accordingly, consistent with the Court's February 27, 2020 directive to Mr. Thomas, it is respectfully requested that Defendant Jones be directed to provide this office with the names of three prospective attorneys by a date certain.

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The undersigned remains ready, willing and able to coordinate these representation issues on behalf of the City but cannot do so without the cooperation of the Defendants Thomas and Jones.

Thank you for your attention to this matter.

Very truly yours,

BOND, SCHOENECK & KING, PLLC



Christopher F. Mansfield

CFM APPLICATION GRANTED. By July 10, 2020, **defendant Thomas** shall provide to Mr. Mansfield either a written engagement agreement between himself and Mr. Wincott for approval, or the names and contact information for two additional prospective attorneys.

cc:

By July 10, 2020, **defendant Jones** shall provide to Mr. Mansfield the names and contact information of three prospective attorneys to represent him in this action.

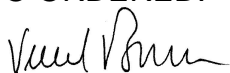
The Court is unable to comprehend why, after numerous complaints by Thomas to the Court that the City was delaying in providing him with representation (see, e.g., Docs. #53, 61), Thomas appears not to be cooperating with the City in appointment of his counsel.

This case was commenced nearly two years ago. On May 20, 2019, the Court issued an Opinion and Order granting in part and denying in part defendants' motion to dismiss. On June 24, 2019, the Court issued a discovery plan and scheduling order. Yet, the case has essentially been stalled since then due to issues with appointment of counsel. Most recently, the settlement conference scheduled in front of Magistrate Judge McCarthy for May 14, 2020, was adjourned to June 29, 2020, and the City has just requested the June 29 conference be adjourned again due to appointment of counsel issues. Should such further delays continue, the Court will consider sanctioning the relevant defendant(s) to the extent the Court finds they are engaging in dilatory tactics. Thomas and Jones are also reminded that, although premature, the plaintiff may be entitled to move for an entry of default judgment against them. In addition, if Thomas and Jones do not cooperate with the City's counsel with respect to appointment of counsel, the case will proceed, and they will have to represent themselves in the action.

Chambers will mail a copy of this Order to defendant Jones at the address on the docket.

The Clerk is directed to terminate the letter-motion. (Doc. #70).

SO ORDERED:



Vincent L. Briccetti, U.S.D.J., 6/26/2020